IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8438 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL KAMLESH KANJIBHAI

Versus

GUJARAT AGRRICULTURAL UNIVERSITY

Appearance:

MR JIVANLAL G SHAH for Petitioners

MR SN SHELAT for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 26/04/2000

ORAL JUDGEMENT

I have heard Mr. H.J. Shah, learned counsel appearing on behalf of the petitioners and Mr. Mazgaonkar, learned counsel on behalf of the Respondent Gujarat Agricultural University.

2. Learned counsel for the respondent under instructions of the respondent University submitted that the petitioner no.2 who was working on daily wage basis has been regularly appointed in the post of Counter by an order dated 11-4-1994. As regards petitioner No.1 is concerned, it is submitted that the petitioner worked as a daily wager for less than one year, and therefore, he has no right of regularisation in the post of Jr. Clerk. However learned counsel for the respondent submitted that, as and when such post is advertised by the University, then the petitioner No.1 Patel Kamlesh Kanjibhai may apply for the post and if he fulfills the requisite qualification as per rule, then his case will be considered by the University. In view of the aforesaid submission by learned counsel for the respondent , Mr. H.J, Shah learned counsel for the petitioners submitted that, the petitioners may not have any grievance. However, learned counsel for the petitioners submitted that the case of the petitioner No.1 should be considered as submitted by learned counsel for the respondent University.

3. Having regard to the submissions of learned counsel of both the parties, I am of the view that, so far petitioner no.2 is concerned since he has been regularly appointed he should not have any grievance against the respondents. As regards petitioner No.1, in view of the assurance given by learned counsel for the respondent, I am of the view that the petitioner no.1 should not have any grievance, because by his engagement as daily wage worker for less than one year he does not acquire any right for regularisation to the post. However, since the learned counsel for the respondent has given an assurance as aforesaid, I am of the view that the respondent University will act as per the submissions made by learned counsel for the respondent that, as and when any post of junior Clerk is advertised by the respondent University, the petitioner may apply for the post and if he fulfills all requisite qualification for the post as per the rules & regulations of the University, then his case will be considered by the University for the post of Junior Clerk.

4. With the aforesaid observations and directions, this writ petition is dismissed. Rule is discharged. Interim relief if any stands vacated. However, I make no order as to costs.

DT: 26-4-2000

(P.K. Sarkar, J)

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